



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Aberg *et al.*

Confirmation No.: 9369

Application No.: 09/039,260

Group Art Unit: 1625

Filed: March 16, 1998

Examiner: C. Chang

For: COMPOSITIONS OF
DESCARBOETHOXYLORATADINE

Attorney Docket No.: 4821-306
(JD 208423-999305)

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sepracor Inc. is the assignee of the entire right, title and interest in and to co-pending U.S. Patent Application No. 10/989,514 ("the '514 application") by virtue of an assignment if its grandparent application from G. Aberg, J. McCullough, and E. Smith to Sepracor Inc., which was recorded at Reel 007432, Frame 0712.

Sepracor Inc. is also the assignee of the entire right, title and interest in and to the above-identified application by virtue of the same assignment because the '514 application is a child of this application.

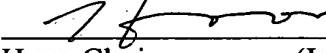
Sepracor Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the '514 application, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '514 application.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of '514 application in the event that either patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

A fee of \$ 130.00 is believed due under 37 C.F.R. 120(d) for the submission of this terminal disclaimer. Please charge this, and any other required fees, to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully submitted,

Date March 17, 2006


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